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ATTACHMENT H

June 30, 2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 129 of House Bill No. 4800, "An Act Making Appropriations for the Fiscal Year 2011 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 129 allows for public higher education institutions to retain tuition paid by out-of-state students. I support the purposes of this section.

This section, however, requires the state to pay for fringe costs -- such as employee health insurance -- that are currently supported by non-budgetary funds. To address this, I am striking subsection (w).

For these reasons, I recommend that Section 129 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 129. (a) Notwithstanding any general or special law to the contrary, the University of Massachusetts system and the president of the university shall retain all tuition for out-of-state students in the University of Massachusetts system and the board of trustees for the University of Massachusetts shall promulgate

regulations to allow the administration of each campus to retain all tuition paid by students who are not residents of the commonwealth. The regulations shall ensure that no resident of the commonwealth is denied admission to any campus as a result of the tuition retention program.

(b) All out-of-state tuition and fees received by the board of trustees at Bridgewater State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(c) All out-of-state tuition and fees received by the board of trustees at Fitchburg State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(d) All out-of-state tuition and fees received by the board of trustees at Framingham State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as

measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(e) All out-of-state tuition and fees received by the board of trustees at Salem State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(f) All out-of-state tuition and fees received by the board of trustees at Westfield State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(g) All out-of-state tuition and fees received by the board of trustees at Worcester State College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students.

Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(h) All out-of-state tuition and fees received by the board of trustees at Berkshire Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(i) All out-of-state tuition and fees received by the board of trustees at Bristol Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(j) All out-of-state tuition and fees received by the board of trustees at Bunker Hill Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be

available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(k) All out-of-state tuition and fees received by the board of trustees at Cape Cod Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(l) All out-of-state tuition and fees received by the board of trustees at Greenfield Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(m) All out-of-state tuition and fees received by the board of trustees at Holyoke Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be

available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(n) All out-of-state tuition and fees received by the board of trustees at Massachusetts Bay Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(o) All out-of-state tuition and fees received by the board of trustees at Massasoit Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(p) All out-of-state tuition and fees received by the board of trustees at Middlesex Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be

available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(q) All out-of-state tuition and fees received by the board of trustees at Mount Wachusett Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(r) All out-of-state tuition and fees received by the board of trustees at North Shore Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(s) All out-of-state tuition and fees received by the board of trustees at Northern Essex Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal

year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(t) All out-of-state tuition and fees received by the board of trustees at Quinsigamond Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(u) All out-of-state tuition and fees received by the board of trustees at Roxbury Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(v) All out-of-state tuition and fees received by the board of trustees at Springfield Technical Community College shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board may direct. The board shall ensure that no resident of the commonwealth is denied admission to the college as a result of the tuition retention program. The board of higher education shall promulgate regulations to ensure the campus maintains adequate access for qualified residents of the commonwealth, as measured by the ratio of out-of-state students to in-state students. Any balance in the trust fund at the close of a fiscal

year shall be available for expenditure in subsequent fiscal years and shall not revert to the General Fund.

(w) The respective boards of trustees for the University of Massachusetts system, Bridgewater State College, Fitchburg State College, Framingham State College, Salem State College, Westfield State College, Worcester State College, Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, North Shore Community College, Northern Essex Community College, Quinsigamond Community College, Roxbury Community College and Springfield Technical Community College shall each issue an annual report on the progress of this initiative not later than February 1 of each year to the chairs of the joint committee on higher education, the chairs of the house and senate committees on ways and means and the executive office for administration and finance. The report shall include the number of out-of-state students attending the school, the amount of tuition revenue retained under the program and any programs or initiatives funded with the retained revenue.

Respectfully submitted,

